

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:93CR3019
)	4:93CR3068
v.)	
)	
IRMA GONZALEZ,)	ORDER ON CERTIFICATE OF
)	APPEALABILITY
Defendant.)	
)	

Title 28, § 2253 provides as follows:

- (c)(1) Unless a circuit justice or judge issues a Certificate of Appealability, an appeal may not be taken to the court of appeals from–
 - ...
- (B) The final order in a proceeding under section 2255.
- (2) A Certificate of Appealability may issue under this paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.
- (3) The Certificate of Appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

Here, I denied the defendant's motion under 28 U.S.C. § 2255 because it was not timely filed. There has been no substantial showing of the denial of a constitutional right. Accordingly,

IT IS ORDERED that the prerequisites of a Certificate of Appealability have not been shown and no Certificate of Appealability shall be issued.

Dated September 26, 2005.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge